

HOUSE BILL NO. 574

INTRODUCED BY VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ELEMENTS OF THE OFFENSES OF BURGLARY AND AGGRAVATED BURGLARY; AND AMENDING SECTION 45-6-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-6-204, MCA, is amended to read:

"45-6-204. Burglary. (1) A person commits the offense of burglary if ~~he~~ the person knowingly enters or remains unlawfully in an occupied structure ~~with the purpose to commit an offense therein and:~~

(a) the person has the purpose to commit an offense in the occupied structure; or

(b) the person knowingly or purposely KNOWINGLY OR PURPOSELY commits any other offense, WITH THE INTENT OR STATE OF MIND REQUIRED BY LAW FOR THAT OFFENSE, within that structure.

(2) A person commits the offense of aggravated burglary if ~~he~~ the person knowingly enters or remains unlawfully in an occupied structure ~~with the purpose to commit an offense therein and:~~

(a) (i) the person has the purpose to commit an offense in the occupied structure; or

(ii) the person knowingly or purposely KNOWINGLY OR PURPOSELY commits any other offense, WITH THE INTENT OR STATE OF MIND REQUIRED BY LAW FOR THAT OFFENSE, within that structure; and

(a)(b) in effecting entry or in the course of committing the offense or in immediate flight thereafter, he after committing the offense:

(i) the person or another participant in the offense is armed with explosives or a weapon; or

~~(b) in effecting entry or in the course of committing the offense or in immediate flight thereafter, he~~

(ii) the person purposely, knowingly, or negligently inflicts or attempts to inflict bodily injury upon anyone.

(3) A person convicted of the offense of burglary shall be imprisoned in the state prison for any term not to exceed 20 years or be fined an amount not to exceed \$50,000, or both. A person convicted of the offense of aggravated burglary shall be imprisoned in the state prison for any term not to exceed 40 years or be fined an amount not to exceed \$50,000, or both."

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